

Message Text

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ACTION EB-07

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC 7037

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJ: CIVAIR - CAPITOL INTERNATIONAL AIRWAYS GIVEN WARN-
ING

1. CAPITOL INTERNATIONAL AIRWAYS HAS RECEIVED FOLLOWING
LETTER FROM DEPARTMENT OF TRADE (BROWN):
QUOTE: FROM YOUR LETTER OF 19 NOVEMBER 1974, IT AP-
PEARS THAT CAPITOL INTERNATIONAL AIRWAYS OPERATED SEVEN
ITC FLIGHTS IN 1974 WITHOUT THE NECESSARY PRIOR AUTHORI-
ZATION FROM THIS DEPARTMENT. YOUR EXPLANATION AS TO HOW
THIS OCCURRED IS TOTALLY UNSATISFACTORY. ARTICLE 79 OF
THE AIR NAVIGATION ORDER 1974 (AND EQUIVALENT ARTICLES
IN PRECEDING AIR NAVIGATION ORDERS) REQUIRES THAT OPERA-
TORS OF AIRCRAFT NOT REGISTERED IN THE UK SHALL NOT TAKE
ON BOARD OR DISCHARGE PASSENGERS FOR HIRE OR REWARD IN
THE UK WITHOUT THE PERMISSION OF THE SECRETARY OF STATE.
THE OPERATION BY YOU OF THESE SEVEN UNAUTHORISED FLIGHTS
IS THEREFORE A CONTRAVENTION OF THE TERMS OF THE AIR
NAVIGATION ORDER.

IN ADDITION, ONE OF THE CONDITIONS UNDER WHICH THIS
DEPARTMENT ISSUES PERMITS TO AIRLINES FOR TRANSATLANTIC
INCLUSIVE TOUR CHARTER FLIGHTS IS THAT DETAILS OF THE
NUMBERS OF PASSENGERS CARRIED ON SUCH FLIGHTS ARE SUBMIT-
TED TO THIS DEPARTMENT WITHIN 90 DAYS OF THE FLIGHT HAVING
TAKEN PLACE. THIS CONDITION IS SET OUT IN LETTERS FOR-
WARDING ALL SUCH PERMITS. THE FACT THAT SUCH SUBMISSIONS
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WERE NOT MADE WITHIN THE REQUIRED PERIOD IN THE CASE OF

SEVERAL FLIGHTS OPERATED BY YOUR COMPANY CONSTITUTES A BREACH OF THE CONDITIONS UNDER WHICH THE PERMITS FOR THESE FLIGHTS WERE ISSUED.

I MUST WARN YOU THAT A VERY SERIOUS VIEW IS TAKEN OF ANY FAILURE BY A FOREIGN AIRLINE TO OBTAIN THE NECESSARY AUTHORISATION AND TO OBEY THE TERMS OF AN OPERATING PERMIT. FURTHER INFRINGEMENTS OF THE AIR NAVIGATION ORDER BY CAPITOL WILL LEAVE THE SECRETARY OF STATE NO ALTERNATIVE BUT TO CONSIDER PROSECUTION FOR THE OFFENSES INVOLVED. IN ADDITION, CONSIDERATION WILL HAVE TO BE GIVEN TO THE DESIRABILITY OF CONTINUING TO ISSUE SUCH PERMITS TO CAPITOL.

IN VIEW OF THE SERIOUS IMPLICATIONS OF THIS MATTER IN RESPECT OF AIR SERVICE RELATIONS BETWEEN THE UK AND USA I AM SENDING A COPY OF THIS LETTER TO MR. COLWELL AT THE UNITED STATES EMBASSY. AN ADDITIONAL COPY OF THIS LETTER IS ENCLOSED WHICH YOU MAY WISH TO FORWARD TO YOUR HEAD OFFICE. UNQUOTE

2. WE DISCUSSED DOTS LETTER WITH CAPITOL'S LOCAL REP, PETER THWAITES. HE ACKNOWLEDGED THAT SEVEN FLIGHTS IN QUESTION HAD BEEN OPERATED WITHOUT PERMITS. HE SAID, HOWEVER, THAT LAST SUMMER DOT UNABLE KEEP UP WITH FLOW OF APPLICATIONS FOR CHARTER PERMITS AND AS RESULT PERMITS WERE SOMETIMES NOT ISSUED UNTIL AFTER THE FLIGHT HAD BEEN PERFORMED. RE SEVEN FLIGHTS IN QUESTION, THWAITES MAINTAINS APPLICATIONS ALL HAD BEEN SUBMITTED IN TIMELY FASHION AND ALL HAD CONFORMED TO UK REQUIREMENTS BUT PERMITS NOT ISSUED. DOT HAS TAKEN POSITION CARRIER MUST HAVE PERMIT IN HAND BEFORE IT CAN OPERATE FLIGHT AND IF PERMIT NOT RECEIVED, IT UP TO CARRIER TO PRESS DOT FOR ITS TIMELY ISSUANCE. ON DOT'S SECOND COMPLAINT RE POST-FLIGHT DETAILS, CAPITOL ADMITS IT FAILED TO FULFILL THIS REQUIREMENT AND IT BLAMES ITS FAILURE ON INSUFFICIENT UK STAFF.

3. WE TOLD CAPITOL'S REP THAT UKG GENERALLY DISSATISFIED WITH UK'S SHARE OF US-UK CHARTER MARKET, WHICH AT MOMENT IS PROBABLY LESS THAN 15 PERCENT, AND FOR THIS REASON, US CARRIERS SHOULD ANTICIPATE THAT UKG WILL MAKE THEM ADHERE STRICTLY TO ITS CHARTER REGULATIONS. WE CAUTIONED LIMITED OFFICIAL USE

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HIM TO BEAR THIS IN MIND IN CAPITOL'S FUTURE OPERATIONS IN UK AND HE SAID COMPANY WOULD DO SO. ASIDE FROM SENDING EMBASSY COPY OF LETTER, DOT HAS NOT RAISED ISSUE WITH US.

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